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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/308,300	07/14/1999	EDWARD S. MANN II		5978

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12/18/2003

David B Weaver
Vinson & Elkins LLP
2300 First City Tower
1001 Fannin Street
Houston, TX 77002-6760

EXAMINER

HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/18/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/308,300

Applicant(s)

MANN II ET AL.

Examiner

Chanda L. Harris

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

In response to the Amendment filed on 9/22/03, Claims 38-62 are pending. Claims 1-37 are cancelled.

Claim Objections

Claim 42 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Wherein the data comprises video data is already recited in independent Claim 38.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 38-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 38, line 13, it is not clear whether said data refers to data from a computer memory or video data.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 38-42 and 61-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiang et al. (US 5,535,422).

1. [Claims 38,42,61-62]: Regarding Claims 38,42, and 61-62, Chiang discloses a user interface (i.e. a menu) that transmits an instruction set having a plurality of instructions (i.e. input actions) for selection by a user and receives at least one selected instruction based upon the instruction set, said at least one instruction designating a target application (i.e. step panel) from a plurality of independently-executable computer applications (i.e. step panels). See Col.3: 27-39. Chiang discloses wherein the user interface further comprises a topic selection interface, and wherein the topic selection interface (i.e. lesson panels) is displayed only when commands are executed via the user interface. See Col.3: 27-29 and FIG.2, element 62. Chiang discloses a data retrieval interface (i.e. monitoring system) that retrieves a plurality of data from a computer memory (e.g. the lesson control file), said plurality of data based upon at least one instruction. See Col.3: 53-57. Chiang discloses wherein a portion of said data comprises video data (via video display) and a data interpreter that receives said data and said at least one selected instruction, said data interpreter translates said data into a plurality of actions with respect to said target application data and said data. See

Col.6: 64-66 and Abstract. Chiang discloses a target application interface (i.e. step panel) that receives at least some of said plurality of actions (i.e. input actions) and that selectively issues some of said plurality of actions for externally operating the target application (i.e. controlling the product to be learned) and that relays feedback from the target application back through the data interpreter to the user interface. See Col.3: 35-39, 46-65. Chiang discloses a peripheral interface that receives at least some of said plurality of actions and selectively issues some of the actions for operating a peripheral device (i.e. a product) having an embedded instruction set (i.e. lesson control file) and a communication port (i.e. monitoring system) and that relays feedback (e.g. error message) from the peripheral device back through the data interpreter to the user interface. See Col.3: 49-65. Chiang discloses wherein a portion of said data comprises audio data and wherein a portion of said data further comprises video data. See Col.7: 45-48.

2. [Claim 39]: Regarding Claim 39, Chiang discloses wherein the target application interface selectively takes control of the target application based upon user input. See Col.3: 53-57.

3. [Claims 40-41]: Regarding Claims 40 and 41, Chiang discloses wherein the target application interface takes control of the target application based upon said at least some of said plurality of actions and completely releases control of the target application based upon completion of some plurality of actions (i.e. appropriate input) and wherein the target application interface takes control of the target application based upon said at least some of said plurality of actions and completely releases control of

the target application based upon completion of some of said plurality of actions (i.e. appropriate input). See Col.3: 46-49, 53-57.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang in view of Cook (US 5,727,950).

1. [Claims 43,47-49,51, 55-57]: Regarding Claims 43,47-49,51, and 55-57, Chiang does not disclose expressly wherein the data retrieval interface comprises a network interface for accessing said plurality of data from a device coupled to a network, wherein the network interface comprises a local area network interface, an Internet interface, and a wireless interface. However, Cook teaches such in Col.19: 51-64 and Col.21: 14-15. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Chiang, in light of the teaching of Cook, in order to enable remote communication.

2. [Claims 44,52]: Regarding Claims 44 and 52, Chiang discloses wherein the user interface further comprises a control bar, and wherein the user interface is displayed only when commands are executed via the control bar. See FIG.3, element 72.

3. [Claims 45,53]: Regarding Claims 45 and 53, Chiang discloses wherein the user interface further comprises a topic selection interface, and wherein the topic selection interface is displayed only when commands are executed via the user interface. See Col.3: 27-29 and FIG.2, element 62.
4. [Claims 46,54]: Regarding Claims 46 and 54, Chiang discloses wherein the data comprises video data (via video display). See Col.6: 64-66 and-Abstract.
5. [Claim 50]: Regarding Claim 50, Chiang discloses wherein the target application interface selectively takes control of the target application based upon user input. See Col.3: 53-57.

Claims 58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang/Cook as applied to claims 43 and 51 above, and further in view of Ho et al. (US 5,863,208).

[Claims 58, 60]: Regarding Claims 58 and 60, Chiang discloses a header block further comprising a type of instruction parameter (i.e. lookup tables). See Col.3: 57-60.

Chiang/Cook does not disclose expressly wherein said data includes a header block further comprising a time stamp parameter. However, Ho teaches the concept of storing a time-stamp in accordance with an instruction parameter (i.e. line-item) Col.5: 4-6. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Chiang/Cook, in light of the teaching of Ho, in order to denote a time when a certain instruction parameter is achieved.

Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang in view of Ho et al. (US 5,863,208).

[Claim 59]: Regarding Claim 59, Chiang discloses a header block further comprising a type of instruction parameter (i.e. lookup tables). See Col.3: 57-60. Chiang does not disclose expressly wherein said data includes a header block further comprising a time stamp parameter. However, Ho teaches the concept of storing a time-stamp in accordance with an instruction parameter (i.e. line-item) Col.5: 4-6. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Chiang, in light of the teaching of Ho, in order to denote a time when a certain instruction parameter is achieved.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Estes et al. (US 4,941,829)
-dynamic tutorial display


Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Therefore, this action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


Chanda L. Harris
Examiner
Art Unit 3714

clh